

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

FILED

UNITED STATES DISTRICT COURT

20 DEC 18 AM 11:28

for the

WESTERN District of TEXAS

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY DMJ
DEPUTY CLERKAUSTIN DivisionCase No. 1:20CV1232 LY
(to be filled in by the Clerk's Office)NORMAN RAY TARVER

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

"v"

Jury Trial: (check one) ☐ Yes ☒ NoDIANE C. WEBB EEOC/APPLE BUS COMPANY

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>NORMAN RAY TARVER</u>
Street Address	<u>706 MARTIN LUTHER KING Dr.</u>
City and County	<u>BASTROP, BASTROP</u>
State and Zip Code	<u>TEXAS 78602</u>
Telephone Number	<u>512-483-4845</u>
E-mail Address	<u>normantarver@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name DIANE C. WEBB
 Job or Title *(if known)* INVESTIGATOR /EEOC SAN ANTONIO FIELD OFFICE
 Street Address 5410 FREDERICKSBURG Rd. SUITE 200
 City and County SAN ANTONIO,
 State and Zip Code TEXAS 78229
 Telephone Number 210-640-7538
 E-mail Address *(if known)* _____

Defendant No. 2

Name APPLE BUS COMPANY
 Job or Title *(if known)* LOST THEIR CONTRACT HERE IN AUSTIN
 Street Address 4413 NIXON LN. SUITE G (NOT SURE THEY ARE STILL THERE)
 City and County AUSTIN, TRAVIS
 State and Zip Code TEXAS 78725
 Telephone Number 512-582-3970
 E-mail Address *(if known)* _____

Defendant No. 3

Name (HOME OFFICE) APPLE BUS COMPANY
 Job or Title *(if known)* _____
 Street Address 230 E. MAIN STREET
 City and County CLEVELAND CASS COUNTY
 State and Zip Code MISSOURI, 647734
 Telephone Number 816-618-3310
 E-mail Address *(if known)* info@applebuscompany.com

Defendant No. 4

Name _____
 Job or Title *(if known)* _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address *(if known)* _____

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	APPLE BUS COMPANY
Street Address	4413 NIXON LN. SUITE G
City and County	AUSTIN, TRAVIS
State and Zip Code	78726
Telephone Number	512-582-3970

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☐ Other federal law (specify the federal law):

- ☐ Relevant state law (specify, if known):

- ☐ Relevant city or county law (specify, if known):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☐ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☒ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: _____

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

MAY 1, 2019 THRU OCTOBER 18, 2019

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race BLACK
- ☐ color _____
- ☒ gender/sex MALE
- ☐ religion _____
- ☐ national origin _____
- ☒ age (year of birth) 66 *(only when asserting a claim of age discrimination.)*
- ☐ disability or perceived disability *(specify disability)* _____

E. The facts of my case are as follows. Attach additional pages if needed.

ON OR ABOUT FEBRUARY 29, 2016, I WAS HIRED AS A PART-TIME KIPP-AUSTIN MONITOR FOR APPLE BUS COMPANY. DURING MAY OF 2017 AND AGAIN IN MAY 2018, I WAS ASKED TO ACCEPT DUTES AS A RECRUITER. I TOOK

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ONCE AGAIN ASKED TO BE A RECRUITER, AND I ACCEPTED THE ASSIGNMENT. THIS TIME I WAS ASSIGNED TWO NEW RECRUITERS TO TRAIN: A WHITE MAN BY THE NAME OF Mr. JOHN McGUIRK, AND A BLACK WOMAN BY THE NAME OF Ms. GLORIA JOHNSON. BOTH OF THEM WERE MUCH YOUNGER THAN MYSELF, AND NO EXPERIENCE AS RECRUITERS PERIOD. I TRAINED THE BOTH OF THEM FOR THE POSITION, IN ADDITION TO ALL OF THIS, WE STILL HAD TO GO OUT AND STAND AROUND IN FRONT OF DIFFERENT EMPLOYMENT OFFICES TRYING TO RECRUIT BUS DRIVER'S FOR APPLE BUS COMPANY. SOMETIME AROUND THE 1st OF AUGUST 2019 I WAS FINALLY ABLE TO GET US A LITTLE OFFICE SET UP AT WORKFORCE SOLUTIONS, AND I WAS IN THE PROCESS OF TRYING TO GET OFFICE AT THE TEXAS WORKFORCE EMPLOYMENT OFFICE. ON OR ABOUT OCTOBER 18, 2019, I WAS INFORMED THAT THE RECRUITER ASSIGNMENT WAS COMPLETED AND THAT IT WAS SHUTTING DOWN. SEE ATTACHMENT #1

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.) ATTACHMENT # 2 COPY OF THE CHARGE I FILED WITH THE EEOC

ATTACHMENT # 3 NOTICE OF RIGHT TO SUE FROM THE EEOC

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

JANUARY 11, 2020

- B. The Equal Employment Opportunity Commission *(check one)*:

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on *(date)*

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

☐

60 days or more have elapsed.

☒

less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I BELIEVE THAT I HAVE BEEN DISCRIMINATED AGAINST BECAUSE OF MY RACE (BLACK), AND MY AGE 66 AT THAT TIME), AND RETALIATED AGAINST BECAUSE I ENGAGED IN PROTECTED ACTIVITIES IN MY COMPLAINT TO THE EEOC AGAINST THE MANAGEMENT AT THE APPLE BUS COMPANY IN VIOLATION OF THE CIVIL RIGHTS ACT OF 1964 AND THE AGE DISCRIMINATION ACT FOR EMPLOYMENT OF 1967.

FIRST OF ALL I WANT I BACK PAY FOR THE BONUS I AM ENTITLED TO, AND ANY OTHER RELIEF THE PLAINTIFF MAY BE ENTITLED TO.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12-18-2020

Signature of Plaintiff

Printed Name of Plaintiff

Norman Ray Tarver
NORMAN RAY TARVER

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____